

ATTORNEY DOCKET NO. 9435.2  
Application Serial No.: 10/721,563  
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REMARKS

NOV 29 2006

Claims 5-10, 12-17 and 19-29 are pending in this application. Claims 9-10, 16-17 and 24-29 are canceled herein without prejudice. Claim 20 is amended herein for clarity to more particularly define the invention. Support for this amendment is found in the language of the original claims and throughout the specification, as set forth below. No new matter is added by this amendment and its entry and consideration are respectfully requested. In light of this amendment and the following remarks, reconsideration of this application and allowance of the pending claims is respectfully requested.

Applicants note that the present Office Action states that claims 5-8, 12-15 and 19-23 are allowed.

**I. Objection to the specification**

The Office Action states that the specification is objected to for allegedly failing to provide proper antecedent basis for the term "circular retroviral form plasmid" as recited in claim 20.

Claim 20 is amended herein to recite a single-LTR circular plasmid. Support for this amendment is found in the language of original claim 20 and throughout the specification, including at least, for example, in Figures 1 and 2, paragraphs 14, 60 and 61 and in Example I. Thus, applicants believe this objection has been addressed and respectfully request the withdrawal of this objection and allowance of the pending claims to issue.

**II. Rejection under 35 U.S.C. § 112, second paragraph**

The Office Action states that claims 24-29 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Claims 24-29 are canceled herein without prejudice, thereby mooted this rejection and applicants respectfully request its withdrawal.

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**III. Rejection under 35 U.S.C. § 112, first paragraph (new matter)**

The Office Action states that claims 9, 10, 16 and 17 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing new matter. In particular, the Office Action states that the specification does not support nucleic acids wherein the recited portion of U3 is deleted or retained and a *loxP* site is within the U3.

Claims 9, 10, 16 and 17 are canceled herein without prejudice, thereby mooting this rejection and applicants respectfully request its withdrawal and allowance of the pending claims to issue.

**IV. Rejection under 35 U.S.C. § 112, first paragraph (enablement)**

The Office Action states that claims 24-29 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement.

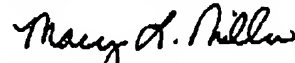
Claims 24-29 are canceled herein without prejudice, thereby mooting this rejection and applicants respectfully request its withdrawal and allowance of the pending claims to issue.

Having addressed all of the issues raised in the Office Action, applicants present claims herein that are in condition for allowance, which action is respectfully requested. The Examiner is encouraged to contact the undersigned directly if such contact will expedite the examination and allowance of the pending claims.

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The Commissioner is authorized to charge Deposit Account No. 50-0220 in the amount of \$60.00 as fee for a one month extension of time for a small entity. This amount is believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



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**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER  
37 C.F. R. § 1.8**

Date of Deposit: November 29, 2006

I hereby certify that this correspondence is being submitted to the United States Patent and Trademark Office under 37 CFR 1.8 via facsimile transmission to 571-273-8300 on the date indicated above and is addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Tracy Wallace